

EXHIBIT 24

In The Matter Of:

IN RE SEPTEMBER 11 LITIGATION

ROBERT J. CAMMAROTO

February 11, 2008

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CONFIDENTIAL SSI MATERIAL
TC REPORTING in affiliation with Merrill***

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11:31:43 1 ROBERT J. CAMMAROTO - CONFIDENTIAL SSI MATERIAL
2 appendices 1, 2, 3, 7A and 15 of the ACSSP.

11:31:54 3 I would like to show you and have
11:31:57 4 marked as an exhibit -- I guess it is part of
11:32:00 5 Exhibit 2G. I would like to show you those
11:32:03 6 portions of Exhibit 2D which contain Appendix
11:32:12 7 XV. These are marked, apart from the cover
11:32:15 8 page, which is 60034, this is pages 60256
11:32:23 9 through 60264 Appendix XV is entitled Aviation
11:32:37 10 Security Contingency Plan AVSEC Plan.

11:32:46 11 Mr. Cammaroto, are you familiar
11:32:47 12 with the aviation security contingency plan as
11:32:52 13 described in Appendix XV to the ACSSP?

11:32:54 14 A. Yes, sir, I am.

11:32:55 15 Q. Are you familiar with the AVSEC
11:32:56 16 alert levels as they were used on and prior to
11:33:00 17 9/11, 2001?

11:33:02 18 A. Yes, sir.

11:33:05 19 Q. What AVSEC alert level was in
11:33:07 20 effect for domestic aviation security on the
11:33:10 21 morning of 9/11?

11:33:10 22 A. I believe that was AVSEC Level III,
11:33:13 23 sir.

11:33:13 24 Q. How many AVSEC alert levels were
11:33:15 25 there?

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11:47:18 2 ten minutes.
11:47:18 3 MS. VARGAS: Would you like to
11:47:19 4 take another break?
11:47:20 5 MR. PODESTA: If you want to take
11:47:21 6 a ten-minute break.
11:47:22 7 MS. VARGAS: Happy to do so.
11:47:28 8 11:57 we will be back here.
11:47:29 9 VIDEOGRAPHER: Off the record
11:47:31 10 11:46.
11:51:15 11 (Recess taken.)
12:00:21 12 VIDEOGRAPHER: We are back on the
12:00:23 13 record at 12 p.m. This is the beginning of tape
12:00:29 14 number 3.
12:00:30 15 EXAMINATION CONTINUED BY MR. PODESTA:
12:00:30 16 Q. Mr. Cammaroto, I would now like to
12:00:33 17 discuss for the next few minutes the screening
12:00:34 18 of persons. I'd like to direct you first to
12:00:38 19 section 2F that begins on page 27 of the ACSSP
12:00:45 20 which is Exhibit 2D.
12:00:50 21 My first question what is the
12:00:54 22 function of section 2F of the ACSSP?
12:00:57 23 A. Section 2 lays out the screening
12:01:02 24 responsibilities and gives a general frame in
12:01:07 25 which the air carrier can establish its

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12:01:11 2 screening functions at the checkpoints, they
12:01:14 3 were largely conducted by, at that time, 9/11,
12:01:18 4 largely conducted by contract companies as
12:01:21 5 opposed to direct air carrier employees.

12:01:23 6 Q. Is it fair to describe section 2F
12:01:28 7 of the ACSSP as setting forth the FAA's basic
12:01:32 8 requirements for screening the persons of
12:01:35 9 individuals who wish to enter the sterile area?

12:01:38 10 A. Yes, sir.

12:01:42 11 Q. Would you just for the benefit of
12:01:43 12 the jury just tell us what the sterile area is?

12:01:45 13 A. The sterile area can be viewed as
12:01:48 14 the portion of the airport at which the
12:01:52 15 passenger actually gains access to the aircraft
12:01:55 16 and is beyond the security checkpoint.

12:02:01 17 Q. Now I would like to turn your
12:02:03 18 attention to Appendix III to the ACSSP.

12:02:06 19 A. Yes, sir.

12:02:10 20 Q. Which in my copy is at 60208. What
12:02:18 21 is the function of the Appendix III of the
12:02:21 22 ACSSP?

12:02:22 23 A. That is again a guideline, a
12:02:28 24 framework in which the air carrier and/or its
12:02:34 25 contractor can conduct screening of persons,

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12:02:37 2 being the individual person, him or herself and
12:02:40 3 their hand carried items that would be carried
12:02:43 4 through the checkpoint as opposed checked
12:02:46 5 baggage.

12:02:46 6 Q. Would it be fair to describe
12:02:49 7 Appendix III as a supplement to section 2F of
12:02:53 8 the ACSSP?

12:02:59 9 MS. VARGAS: Objection to the
12:03:01 10 form.

12:03:01 11 A. I don't know I would characterize
12:03:03 12 it as a supplement to it. I would certainly
12:03:06 13 characterize it as something that expanded on
12:03:12 14 what the intent of section 2 was.

12:03:16 15 Q. Would it be fair to describe part 2
12:03:18 16 of Appendix III as providing air carriers with
12:03:23 17 more detailed FAA guidelines to follow to
12:03:27 18 screening person who wished to enter the sterile
12:03:29 19 area?

12:03:29 20 A. Yes.

12:03:32 21 Q. I would like to refer you to the
12:03:36 22 introductory paragraph of Appendix III, that
12:03:39 23 appears at the top of AAL 060208. Was the
12:03:47 24 language in that paragraph approved by the FAA?

12:04:05 25 A. Yes, sir.

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12:05:13 2 providing for courteous and efficient treatment
12:05:16 3 of passengers?

12:05:18 4 A. Yes, sir.

12:05:20 5 Q. In devising its checkpoint
12:05:22 6 screening procedures, did the FAA take into
12:05:26 7 account the desirability of providing uniform
12:05:29 8 procedures?

12:05:33 9 A. Yes, sir, although I would just put
12:05:34 10 a very fine point on your question. And that is
12:05:40 11 certainly these were guidelines, the actual
12:05:42 12 specific procedures being applied were really
12:05:46 13 developed and posed by whatever entity was
12:05:52 14 actually doing the actual physical screening.
12:05:54 15 It was not the air carrier, it was most often a
12:05:58 16 contract company.

12:05:59 17 Q. Why did the FAA consider uniform
12:06:01 18 procedures for checkpoint screening to be
12:06:03 19 desirable?

12:06:06 20 MR. PEPE: Objection,
12:06:07 21 mischaracterizing testimony.

12:06:08 22 MS. VARGAS: Objection to the
12:06:09 23 form.

12:06:09 24 A. There were several levels of
12:06:10 25 desirability for that uniformity. One of which

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12:39:45 2 A. It was an approved method at that
12:39:48 3 time and, again, it was left as a decision of
12:39:51 4 the security company and carriers to whether or
12:39:53 5 not they chose to use that one or not.

12:39:55 6 Q. Were there any, as of 9/11, were
12:39:57 7 there any other FAA approved methods for
12:40:00 8 screening the carry-on bags, carry-on items of
12:40:05 9 passengers?

12:40:06 10 A. They could be screened, yes, the
12:40:07 11 answer is yes. They could be screened if they
12:40:11 12 did a physical inspection.

12:40:12 13 Q. Physical inspection of every
12:40:15 14 carry-on bag?

12:40:15 15 A. Yes, sir.

12:40:16 16 Q. Just make us clear, are you aware
12:40:17 17 of any major airlines that as of 9/11 were using
12:40:23 18 a physical inspection of all carry-on bags as
12:40:30 19 the initial screening method for carry-on items
12:40:33 20 at any category X airport?

12:40:36 21 MR. TOMASIK: Objection.

12:40:37 22 MR. MIGLIORI: Objection.

12:40:38 23 A. I am not aware of any using that at
12:40:40 24 the Xs.

12:40:49 25 Q. I would like to refer you to

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12:38:52 2 X airports in the United States at which x-ray
12:38:56 3 units were not in use as the primary vehicle for
12:38:59 4 screening passengers' carry-on items?
12:39:02 5 MS. VARGAS: Objection.
12:39:03 6 A. None that I recall.
12:39:07 7 Q. And as of 9/11, did the FAA approve
12:39:11 8 x-ray machines as the primary vehicle for
12:39:14 9 screening passengers carry-on items?
12:39:16 10 MR. PEPE: Objection.
12:39:18 11 MR. MIGLIORI: Objection.
12:39:19 12 MS. VARGAS: Objection to the
12:39:19 13 form. Are you asking if the FAA approved it as
12:39:21 14 a primary vehicle? What does primary mean?
12:39:25 15 MR. PODESTA: I mean the initial,
12:39:27 16 I mean the first screening measure that is
12:39:29 17 applied to your carry-on bags at the screening
12:39:32 18 checkpoint.
12:39:32 19 MS. VARGAS: Just to clarify are
12:39:33 20 you asking if the FAA had a preference for
12:39:36 21 x-rays or if it was x-rays were one of the
12:39:39 22 initial methods that were approved by the FAA?
12:39:42 23 MR. PODESTA: The second.
12:39:43 24 MR. MIGLIORI: Objection to the
12:39:44 25 form. Go ahead.

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14:26:34 2 A. Yes, sir.

14:26:36 3 Q. And were they truthful and accurate
14:26:37 4 to the best of your ability?

14:26:39 5 A. Yes, sir.

14:26:43 6 MR. PEPE: Objection.

14:26:44 7 Q. I am just trying to see if you
14:26:50 8 could help me with understanding the meaning of
14:26:55 9 the knives paragraph in Appendix I. As of 9/11,
14:27:00 10 under the ACSSP and FAA's deadly or dangerous
14:27:08 11 weapons guidelines as set forth in Appendix I
14:27:11 12 were knives with played length of less than four
14:27:14 13 inches allowed into the sterile area unless they
14:27:17 14 came within one of the two following exceptions:
14:27:21 15 First, they were a type of knife that illegal
14:27:26 16 under local law, or two, the screener exercised
14:27:30 17 his or her common sense to conclude that a
14:27:34 18 particular knife under four inches should be
14:27:37 19 treated as a deadly or dangerous weapon?

14:27:39 20 MR. PEPE: Objection.

14:27:40 21 MS. HESSION: Objection, objection
14:27:41 22 to the form.

14:27:41 23 A. In those two circumstances they
14:27:43 24 would be permitted.

14:27:46 25 Q. But apart from those two exceptions

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14:27:48 2 did FAA regulations as in effect on 9/11 permit
14:27:51 3 knives with a blade length of less than four
14:27:54 4 inches to enter the sterile area?
14:27:58 5 MR. ELSNER: Objection.
14:28:00 6 MR. PEPE: Objection.
14:28:00 7 A. Of less than four inches, yes.
14:28:02 8 Q. Under the FAA regulations in effect
14:28:04 9 on 9/11, did the FAA maintain any list or
14:28:06 10 compilation of local laws pertaining to the
14:28:10 11 carriage of knives by members of the general
14:28:12 12 public?
14:28:14 13 A. Not that I'm aware of, sir.
14:28:17 14 Q. Are you aware of any Massachusetts,
14:28:20 15 state or local law in force on 9/11 that
14:28:24 16 prohibited members of the general public from
14:28:27 17 possessing or carrying Swiss Army knives?
14:28:32 18 MR. WARDEN: Objection.
14:28:32 19 A. I was not aware of that law.
14:28:35 20 Q. Leatherman multitools?
14:28:37 21 MR. PEPE: Objection.
14:28:37 22 A. I was not aware of that, sir.
14:28:39 23 Q. Pocket utility knives?
14:28:42 24 MR. ELSNER: Objection.
14:28:44 25 Q. You have to answer audibly. You

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16:35:54 2 Q. Is it correct, Mr. Cammaroto, that
16:35:56 3 the FAA regulations in fact required the
16:36:02 4 airlines to submit a proposed security program
16:36:07 5 to the TSA -- sorry, to the FAA?

16:36:09 6 A. Yes, sir, that's correct.

16:36:11 7 Q. So when you said that the ACSSP was
16:36:14 8 first approved in January of 1976, that came
16:36:18 9 after the airlines themselves submitted a
16:36:23 10 proposed security program to the FAA; didn't it?

16:36:26 11 A. Yes, sir, that's correct.

16:37:05 12 Q. Mr. Cammaroto, I had put in front
16:37:07 13 of you a copy of a document marked SSI
16:37:10 14 Exhibit 21 which has Bates numbers TSA 11547.
16:37:17 15 Do you have that in front of you?

16:37:18 16 A. I do, sir.

16:37:19 17 Q. Would you agree this is an FAA
16:37:22 18 memorandum dated July 30, 1977 subject of which
16:37:27 19 is the ATA proposed model air carrier security
16:37:32 20 program?

16:37:32 21 A. Yes, my copy is dated July 30,
16:37:34 22 1975, sir.

16:37:35 23 Q. July 30, 1975. It is, the subject
16:37:38 24 of it is the ATA proposed model air carrier
16:37:42 25 security program; correct?

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16:47:57 2 A. Yes, sir.

16:47:57 3 Q. I think you testified earlier the

16:48:23 4 ACSSP became the security program for the

16:48:28 5 majority of the airlines; correct?

16:48:31 6 MR. PODESTA: We are having

16:48:32 7 trouble hearing you over here.

16:48:33 8 MR. WARDEN: Sorry.

16:48:34 9 Q. Did the ACSSP become the standard

16:48:36 10 security program for the majority of the

16:48:38 11 airlines?

16:48:40 12 A. Yes, sir.

16:48:41 13 Q. Including United and American?

16:48:44 14 A. Yes, sir.

16:48:45 15 Q. But I think you indicated that

16:48:47 16 airlines could seek a modification if they

16:48:51 17 chose; correct?

16:48:51 18 A. That's correct, sir.

16:48:52 19 Q. So it was within the purview of the

16:48:57 20 FAA to allow modifications if an airline

16:49:01 21 requested it, to the ACSSP?

16:49:04 22 A. Yes, sir.

16:49:07 23 Q. Now, we referred to the guidelines

16:49:11 24 in Appendices I, II and III in Mr. Podesta's

16:49:20 25 earlier questions and your answers. I would

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16:51:06 2 Q. The statement that he asked you
16:51:09 3 about was that the guidelines were furnished to
16:51:12 4 assist in making a reasonable determination of
16:51:15 5 what property in the possession of a person
16:51:18 6 should be considered a deadly or dangerous
16:51:21 7 weapon. Do you see that?

16:51:22 8 A. I do, sir.

16:51:25 9 Q. The next statement is the one I'd
16:51:28 10 like to focus on, the next statement says that
16:51:31 11 "these are only guidelines." Did I read that
16:51:34 12 right?

16:51:35 13 A. Yes, sir, you did.

16:51:36 14 Q. What does that mean?

16:51:37 15 A. The intent of that is to remind the
16:51:42 16 air carriers that, as I testified earlier, that
16:51:45 17 the Appendix I can't possibly anticipate every
16:51:49 18 iteration of every deadly or dangerous weapon.
16:51:52 19 Certainly lists the ones I think reasonably most
16:51:57 20 encountered at the checkpoints, but that as you
16:52:00 21 go on with the "however" statement, "however
16:52:02 22 common sense should always prevail," reminds the
16:52:05 23 air carriers to be watchful and to make
16:52:09 24 deliberate decisions in terms of items they
16:52:11 25 encounter beyond what they encounter listed here

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16:52:16 2 in Appendix I.

16:52:18 3 Q. Was it FAA's intent in approving
16:52:20 4 this guideline to suggest to the airlines that
16:52:25 5 they had to exercise common sense in
16:52:29 6 implementing the screening procedures?

16:52:32 7 MS. VARGAS: Objection to the
16:52:32 8 form.

16:52:33 9 MR. PODESTA: Objection, form.

16:52:35 10 A. It was to remind them that in fact
16:52:39 11 this was not an all inclusive document, yes,
16:52:42 12 some level of common sense needed to prevail
16:52:44 13 when encountering a specific situation.

16:52:47 14 Q. Would it be fair that the FAA did
16:52:50 15 not intend the guidelines to be all inclusive
16:52:54 16 but intended that the airlines would carry out
16:52:57 17 the guidelines exercising common sense in the
16:53:00 18 circumstances that they would encounter on a
16:53:04 19 daily basis?

16:53:04 20 A. Yes, sir.

16:53:07 21 Q. And in specific the airlines had to
16:53:09 22 make a reasonable determination of what property
16:53:12 23 in the possession of a person should be
16:53:15 24 considered a deadly or dangerous weapon in the
16:53:17 25 context of the situation on a day-to-day basis;

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16:53:22 2 correct?
16:53:22 3 MR. PODESTA: Objection to the
16:53:23 4 form.
16:53:23 5 MS. VARGAS: Objection to the
16:53:23 6 form.
16:53:25 7 A. Yes, sir.
16:53:26 8 Q. And in the context of the situation
16:53:28 9 that the airline screeners encountered every day
16:53:32 10 they had to exercise common sense in determining
16:53:35 11 whether an item could be considered a deadly or
16:53:38 12 dangerous weapon; right?
16:53:41 13 A. That's correct, sir.
16:53:50 14 Q. Back to the knives portion of
16:53:58 15 Appendix I. Is it a fair statement, Mr.
16:54:02 16 Cammaroto, that as the FAA approved the
16:54:07 17 guideline proposed by the airlines, the
16:54:12 18 guideline on knives actually prohibits certain
16:54:19 19 types of knives; correct?
16:54:21 20 MR. PODESTA: Objection to form.
16:54:23 21 A. Yes, sir.
16:54:25 22 Q. The guideline that the airlines
16:54:27 23 submitted doesn't expressly permit or allow
16:54:33 24 knives less than four inches; does it?
16:54:35 25 MS. VARGAS: Objection. Are you

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16:54:36 2 asking him about the ACSSP or the ATA proposal?
16:54:40 3 MR. WARDEN: Well, for the moment
16:54:42 4 I am asking him about the ACSSP as approved by
16:54:44 5 the FAA.
16:54:47 6 MR. PODESTA: Are we talking about
16:54:49 7 Appendix I?
16:54:50 8 MR. WARDEN: Appendix I.
16:54:51 9 A. Could I ask to have the question
16:54:53 10 again, sir.
16:54:53 11 Q. Sure. As the FAA approved the
16:54:57 12 guideline on knives in the ACSSP, it prohibits
16:55:06 13 knives as specified in the guideline; correct?
16:55:12 14 A. That's the effect of it, yes, sir.
16:55:13 15 Q. It does not expressly permit or
16:55:18 16 allow any particular type of knife; does it?
16:55:20 17 MR. CAMPBELL: Objection to the
16:55:21 18 form.
16:55:21 19 MR. PODESTA: Objection to the
16:55:22 20 form.
16:55:22 21 MS. VARGAS: Objection to the
16:55:22 22 form.
16:55:22 23 A. It does not, sir.
16:55:23 24 Q. Instead is this an example where
16:55:25 25 the FAA left it to the airlines to exercise

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16:55:31 2 discretion and common sense in the context of
16:55:36 3 the security procedures they had to implement to
16:55:39 4 determine what would be considered a deadly and
16:55:43 5 dangerous weapon?

16:55:45 6 MR. PODESTA: Objection to the
16:55:45 7 form.

16:55:45 8 MS. VARGAS: Objection to the
16:55:46 9 form.

16:55:46 10 A. Yes, sir, this is where we had to
16:55:49 11 rely on common sense at the checkpoint.

16:55:51 12 Q. So under the FAA's guidelines in
16:55:58 13 Appendix I, the airlines were expected to
16:56:01 14 exercise common sense and discretion in the
16:56:05 15 context of the daily circumstances they
16:56:08 16 encountered?

16:56:10 17 A. Yes, sir.

16:56:14 18 Q. And in specific they were expected
16:56:16 19 to do that in order to make a reasonable
16:56:18 20 determination of what would be considered a
16:56:20 21 deadly or dangerous weapon?

16:56:22 22 A. Yes, sir.

16:56:23 23 Q. At this point I would like to ask
16:56:42 24 you a couple of questions about SSI Exhibit 18
16:56:45 25 which Mr. Podesta gave to you, Mr. Cammaroto.

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17:14:23 2 Appendix I, that is that the best guideline of
17:14:26 3 all is common sense and caution?
17:14:31 4 MS. VARGAS: Objection to the
17:14:31 5 form.
17:14:31 6 MR. PODESTA: Objection to the
17:14:32 7 form.
17:14:32 8 MS. VARGAS: The document speaks
17:14:33 9 for themselves.
17:14:35 10 A. Yes, sir, that language is very
17:14:37 11 similar.
17:14:37 12 Q. And is it a fair statement that the
17:14:39 13 FAA expected the airlines to carry out the steps
17:14:46 14 in the physical inspection guidelines taking
17:14:49 15 into account common sense and caution?
17:14:54 16 A. Yes, sir.
17:14:59 17 Q. Then in part A of physical
17:15:01 18 inspection guidelines the ACSSP guideline says
17:15:07 19 "In the whole approach to the screening process,
17:15:09 20 good judgement should prevail." Did I read that
17:15:12 21 correctly?
17:15:12 22 A. You did, sir.
17:15:13 23 Q. Is it also a fair statement then
17:15:15 24 that the FAA expected the airlines to carry out
17:15:21 25 the physical inspection guidelines using good

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17:15:25 2 judgement?
17:15:28 3 A. Yes, sir.
17:15:29 4 Q. And in fact the FAA expected the
17:15:33 5 airlines to use good judgement in the whole
17:15:36 6 approach to the screening process?
17:15:40 7 A. Yes, sir.
17:15:41 8 Q. That would include passengers
17:15:46 9 walking through the metal detector, the
17:15:48 10 walk-through metal detector; correct?
17:15:52 11 A. Correct, sir.
17:15:52 12 Q. It would include use of the x-ray
17:15:54 13 equipment for carry-ons?
17:15:56 14 A. Yes, sir.
17:15:57 15 Q. It would include the use of hand
17:15:59 16 wandling for persons being screened with hand
17:16:03 17 wands?
17:16:03 18 A. Yes, sir.
17:16:04 19 Q. In all of those respects the FAA
17:16:06 20 expected the airlines to exercise good judgement
17:16:12 21 under the circumstances; correct?
17:16:15 22 A. Yes, sir.
17:16:26 23 Q. Now, I would like you to turn the
17:16:29 24 ACSSP to page 29A, please.
17:16:51 25 A. I have it, sir.

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17:18:09 2 involves scissors; correct?
17:18:13 3 A. Yes, sir, it does.
17:18:14 4 Q. The guideline suggests that in the
17:18:16 5 context of one person dressmaking scissors are
17:18:23 6 completely innocent, and in the context of
17:18:25 7 another person they could be a deadly or
17:18:27 8 dangerous weapon; correct?
17:18:29 9 A. That they might be reason to
17:18:31 10 restrict carriage, yes, sir.
17:18:33 11 Q. The reason that you might restrict
17:18:35 12 carriage is that in the context of scissors in
17:18:40 13 the hands of somebody who doesn't look like
17:18:45 14 somebody who should have a pair of dressmaking
17:18:47 15 scissors they could be considered reasonably
17:18:49 16 dangerous; couldn't they?
17:18:51 17 A. Yes, sir.
17:18:54 18 Q. So when the FAA expected the
17:18:57 19 airlines to use good judgement in the screening
17:18:59 20 process, the FAA expected the airlines to take
17:19:02 21 into account all the circumstances, the context
17:19:06 22 of what they were screening; didn't it?
17:19:09 23 A. Yes, sir.
17:19:12 24 Q. Now, with that in mind, take a
17:19:15 25 look, please, at page 29A of the ACSSP. And

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17:19:27 2 this particular section is part 2H -- sorry,
17:19:32 3 part 2J. It is at the very bottom of page 29A.
17:19:39 4 A. I have it, sir.
17:19:40 5 Q. Okay. The title of the section is
17:19:44 6 Denied Boarding Or Access Into a Sterile Area;
17:19:50 7 correct?
17:19:50 8 A. Yes, sir, that's correct.
17:19:53 9 Q. Would it be a fair statement, Mr.
17:19:55 10 Cammaroto, that in implementing the guidelines,
17:19:59 11 if a screener thought that in the context
17:20:04 12 someone with dressmaking scissors who ought not
17:20:08 13 have them and concluded that that person might
17:20:12 14 be a threat, the airline had the authority to
17:20:17 15 deny boarding to that passenger?
17:20:21 16 MR. CAMPBELL: Objection to the
17:20:22 17 form.
17:20:22 18 MS. VARGAS: Object to form as
17:20:23 19 well.
17:20:23 20 A. Yes, sir.
17:20:25 21 Q. In fact the ACSSP in part 2J says
17:20:29 22 "the final decision to board or refuse boarding
17:20:32 23 rests with the air carrier." Correct?
17:20:34 24 A. That is correct, sir.
17:20:36 25 Q. The air carrier had to make that

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17:20:37 2 judgement in the context of the circumstances of
17:20:42 3 the person, the passenger and whatever
17:20:44 4 that passenger might be carrying; right?

17:20:47 5 A. That's correct, sir.

17:20:48 6 Q. That's what the FAA expected the
17:20:51 7 airlines to do in carrying out the guidelines?

17:20:54 8 MS. VARGAS: Objection to the
17:20:56 9 form.

17:20:56 10 MR. PODESTA: I will object to the
17:20:57 11 form as well.

17:20:58 12 A. Yes, sir. May I say that is what
17:21:06 13 in fact is required.

17:21:07 14 Q. That is what the FAA required the
17:21:09 15 airlines to do?

17:21:09 16 A. Yes, sir.

17:21:10 17 Q. So a failure of the airlines to
17:21:12 18 take into context the circumstances of the
17:21:16 19 person and whatever the item was the person
17:21:19 20 might be carrying and make a judgement would be
17:21:23 21 a failure to comply with the requirements;
17:21:25 22 wouldn't it?

17:21:26 23 MR. CAMPBELL: Objection to the
17:21:27 24 form.

17:21:27 25 MR. BARRY: Objection to the form.

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17:21:28 2 MS. VARGAS: Object to the form
17:21:29 3 of the question as well. You can answer it.

17:21:30 4 A. Yes, sir.

17:21:33 5 Q. If the airlines failed to exercise
17:21:37 6 common sense in screening passengers or in
17:21:42 7 screening items that might be weapons, that
17:21:45 8 would be a failure to comply with the FAA
17:21:48 9 requirements; wouldn't it?

17:21:50 10 MR. PODESTA: Objection to the
17:21:50 11 form.

17:21:50 12 MS. VARGAS: Objection to the
17:21:51 13 form.

17:21:51 14 A. Presumably, yes, sir, it could be.

17:21:55 15 Q. If the airlines failed to exercise
17:21:57 16 good judgement in carrying out the screening
17:22:01 17 process, that would be a failure to comply with
17:22:04 18 the FAA requirements; wouldn't it?

17:22:06 19 MR. CAMPBELL: Objection to the
17:22:08 20 form.

17:22:08 21 MR. PODESTA: Objection to the
17:22:09 22 form.

17:22:09 23 MS. VARGAS: Objection to the
17:22:09 24 form.

17:22:09 25 A. Yes, sir. Again, it could be. A

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17:23:41 2 on, Mr. Warden?
17:23:43 3 MR. WARDEN: It is page 140 of the
17:23:44 4 ACSSP. Exhibit 2D. It is part Roman numeral
17:23:52 5 XIV.
17:23:53 6 MR. PODESTA: Thank you.
17:23:54 7 Q. It is entitled Implementing
17:23:55 8 Procedures. Correct, Mr. Cammaroto?
17:23:57 9 A. That's correct. Yes, sir.
17:23:58 10 Q. Is it a fair statement, Mr.
17:24:04 11 Cammaroto, the ACSSP contemplated that the
17:24:10 12 airlines themselves would develop and adopt
17:24:15 13 implementing procedures to carryout the
17:24:20 14 requirements of the ACSSP and the guidance?
17:24:23 15 A. Yes, sir.
17:24:27 16 MS. VARGAS: I am just going to
17:24:28 17 note that I don't believe that this was one of
17:24:30 18 the sections that was specifically authorized in
17:24:33 19 our authorized topics. But I will give you a
17:24:35 20 little leeway to establish a connection to an
17:24:38 21 authorized topic.
17:24:39 22 MR. PODESTA: I will object it is
17:24:40 23 not clear what implementing procedures are being
17:24:43 24 talked about.
17:24:44 25 MR. WARDEN: Well, we'll find out.

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17:24:45 2 MR. PODESTA: Good.

17:24:46 3 Q. Mr. Cammaroto, is it a fair

17:24:47 4 statement that the security procedures at the

17:24:51 5 checkpoints in place before September 11, 2001

17:24:56 6 under the FAA's regulations were expected to

17:25:01 7 include procedures developed by the airlines to

17:25:06 8 carry out the ACSSP and the guidelines?

17:25:10 9 A. Yes, sir.

17:25:14 10 Q. So the implementing procedures the

17:25:16 11 airlines themselves were expected to develop

17:25:18 12 were part of the security program?

17:25:19 13 MS. VARGAS: Objection,

17:25:20 14 foundation.

17:25:21 15 A. They are referenced in the program,

17:25:23 16 they are not part of the program.

17:25:25 17 Q. They were expected to be part of

17:25:27 18 the security procedures the airlines were

17:25:28 19 taking?

17:25:28 20 MR. PODESTA: Objection, form.

17:25:30 21 MS. VARGAS: Objection,

17:25:31 22 foundation.

17:25:31 23 A. Yes.

17:25:32 24 Q. Would it be a fair statement that

17:25:33 25 the COG, the Checkpoint Operations Guideline

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17:25:38 2 developed by the airlines would be considered an
17:25:40 3 implementing procedure?

17:25:43 4 A. Yes, sir.

17:25:43 5 Q. You called it a how-to document,
17:25:45 6 under the ACSSP, it is an implementing
17:25:48 7 procedure; correct?

17:25:49 8 MS. VARGAS: Objection,
17:25:50 9 foundation, form.

17:25:51 10 A. Yes, sir.

17:26:02 11 Q. I think you were very careful to
17:26:04 12 express that the FAA reviewed the implementing
17:26:11 13 procedure prepared by the airlines and I think
17:26:19 14 Section XIV titled Implementing Procedures
17:26:21 15 required the airlines to submit them to the FAA;
17:26:23 16 doesn't it?

17:26:24 17 MR. PODESTA: Objection to the
17:26:25 18 form.

17:26:25 19 MS. VARGAS: Object, compound.

17:26:39 20 Q. Yes. Doesn't Roman numeral XIV
17:26:41 21 Implementing Procedures require that the
17:26:45 22 airlines routinely provide to the FAA copies of
17:26:49 23 all implementing procedures issued?

17:26:54 24 A. Yes, sir.

17:26:54 25 Q. So the airlines would have

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17:26:56 2 developed the COG and submitted it to the FAA in
17:26:59 3 accordance with the implementing procedures
17:27:03 4 requirement in the ACSSP?
17:27:05 5 MR. PODESTA: Objection to the
17:27:05 6 form.
17:27:05 7 MS. VARGAS: Objection,
17:27:06 8 foundation.
17:27:06 9 A. Presumably, yes, sir.
17:27:10 10 Q. When the FAA reviewed it, in
17:27:14 11 accordance with that procedure, the FAA reviewed
17:27:17 12 it to make sure that the procedures developed by
17:27:21 13 the airlines in the COG were not inconsistent
17:27:26 14 with the ACSSP?
17:27:26 15 A. That's correct.
17:27:30 16 Q. But they were procedures developed
17:27:32 17 by the airlines independently of the FAA;
17:27:35 18 correct?
17:27:35 19 MR. PODESTA: Objection to the
17:27:36 20 form.
17:27:36 21 A. Yes, sir, they were.
17:27:41 22 Q. The airlines had the authority, the
17:27:46 23 right, to develop implementing procedures as
17:27:50 24 long as they submitted them to the FAA and as
17:27:52 25 long as they weren't inconsistent with the

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17:27:54 2 ACSSP; correct?
17:27:56 3 MS. VARGAS: Objection to the
17:27:56 4 form.
17:27:56 5 A. Yes, sir.
17:28:12 6 Q. So I would like you to look at the
17:28:14 7 COG a little bit, please. I think we may need
17:28:20 8 to give you a copy.
17:28:44 9 A. I have it, sir.
17:28:45 10 Q. I learned, Mr. Cammaroto, there are
17:28:46 11 different paginations in the COG. I want to
17:28:49 12 first of all make sure we are looking at the
17:28:51 13 same thing.
17:28:51 14 Can you tell me what you have in
17:28:55 15 front of you, if it is marked as an exhibit
17:28:57 16 please?
17:28:57 17 A. Deposition Exhibit 1 Charlie of
17:29:01 18 2/7/07.
17:29:04 19 Q. Mine is Exhibit 1A, but we will
17:29:06 20 see if we can make it work. Mr. Podesta asked
17:29:35 21 you about some parts of the COG earlier. I
17:29:42 22 would like to return to section 5-8, 5-9.
17:29:52 23 A. I am page 5-8, sir.
17:29:54 24 Q. Is it correct that section or pages
17:29:56 25 5-8 through 5-10 are lists of hand carried items

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17:30:04 2 that the airlines themselves decided to prohibit
17:30:09 3 from the sterile area?
17:30:10 4 MR. PODESTA: Objection to the
17:30:11 5 form.
17:30:12 6 A. It reads "items not allowed to
17:30:14 7 enter the sterile area," yes, sir.
17:30:16 8 Q. The implementing procedures
17:30:18 9 developed by the airlines called the COG
17:30:19 10 prohibited box cutters; correct?
17:30:23 11 MS. VARGAS: Objection to the
17:30:23 12 form.
17:30:23 13 MR. PODESTA: Objection to the
17:30:24 14 form.
17:30:24 15 A. Box cutters are listed as an item
17:30:27 16 on page 5-8, yes, sir.
17:30:29 17 Q. An item not allowed to enter the
17:30:32 18 sterile area?
17:30:33 19 A. That's correct.
17:30:34 20 Q. Bombs of course not allowed to
17:30:38 21 enter the sterile area?
17:30:39 22 A. Sorry?
17:30:40 23 Q. Bombs.
17:30:40 24 A. Bombs are not allowed in the
17:30:42 25 sterile area, yes, sir.

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17:30:42 2 Q. Mace, under the airlines'
17:30:45 3 implementing procedure not allowed to enter the
17:30:49 4 sterile area?

17:30:50 5 A. That's correct. Mace is listed.

17:30:51 6 Q. And pepper spray also listed to not
17:30:54 7 be allowed in the sterile area?

17:30:55 8 A. Pepper spray is listed.

17:30:58 9 Q. And knives that could be considered
17:31:00 10 menacing; correct?

17:31:06 11 A. It says "knives with blades over
17:31:09 12 four inches or menacing," yes, sir.

17:31:10 13 Q. The airlines implementing procedure
17:31:13 14 called the COG prohibited both knives over four
17:31:17 15 inches and knives that could be considered
17:31:19 16 menacing even if they were shorter than four
17:31:21 17 inches; correct?

17:31:22 18 MS. VARGAS: Objection to the
17:31:22 19 form.

17:31:24 20 MR. PODESTA: Object to the form
17:31:25 21 as well.

17:31:25 22 A. That would be my interpretation of
17:31:27 23 it, sir, but, again --

17:31:29 24 Q. Would it be a fair statement the
17:31:31 25 FAA left it to the airlines to make the decision

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17:31:33 2 to prohibit knives shorter than four inches if
17:31:37 3 they were deemed menacing?
17:31:39 4 MR. PODESTA: Objection to the
17:31:39 5 form.
17:31:39 6 MS. VARGAS: Objection to the
17:31:40 7 form. Hold on one second. Can you repeat the
17:31:53 8 question.
17:31:54 9 (The pending question was read as
17:31:54 10 follows:
17:31:29 11 "Question: Would it be a fair
17:31:30 12 statement the FAA left it to the airlines to
17:31:32 13 make the decision to prohibit knives shorter
17:31:36 14 than four inches if they were deemed menacing?")
17:32:06 15 MS. VARGAS: I am going to object
17:32:07 16 to the testimony -- object to the question to
17:32:11 17 the extent you're entering into questions of
17:32:13 18 minimum standards. You can ask him about his
17:32:15 19 role in reviewing the COG or FAA's role in
17:32:18 20 reviewing the COG and review of the provision.
17:32:24 21 Q. I think maybe let's have the
17:32:27 22 question read back, first of all. Then if I
17:32:29 23 need to I will clarify it.
17:32:32 24 MS. VARGAS: It can just be a
17:32:33 25 clarifying -- it only needs to be clarified.

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17:32:50 2 (The pending question was read as
17:32:50 3 follows:

17:31:29 4 "Question: Would it be a fair
17:31:30 5 statement the FAA left it to the airlines to
17:31:32 6 make the decision to prohibit knives shorter
17:31:36 7 than four inches if they were deemed menacing?")

17:32:51 8 MR. PODESTA: Repeat my objection.

17:32:54 9 A. Yes, sir.

17:32:57 10 MS. VARGAS: There is an
17:32:58 11 instruction not to answer that question, I
17:33:00 12 apologize. We need to rephrase the question.

17:33:05 13 MR. CAMPBELL: Move to strike.

17:33:06 14 MR. PODESTA: Move to strike and
17:33:08 15 object on the ground the question is outside the
17:33:10 16 scope.

17:33:11 17 MR. PEPE: The question is
17:33:14 18 basically asked and answered, so we should move
17:33:16 19 on.

17:33:16 20 Q. I take it the FAA did not consider
17:33:19 21 it inconsistent with the ACSSP for the airlines
17:33:23 22 to make the decision to prohibit knives that
17:33:30 23 would be considered menacing even if the blades
17:33:33 24 were shorter than four inches?

17:33:34 25 MS. VARGAS: You can answer that

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17:33:35 2 question.
17:33:35 3 A. That was not inconsistent, no, sir.
17:33:40 4 Q. In fact your position is that the
17:33:46 5 FAA left it up to the airlines to decide whether
17:33:50 6 to allow blades shorter than four inches in
17:33:53 7 general; correct?
17:33:54 8 MS. VARGAS: Objection.
17:33:55 9 MR. PODESTA: Objection to the
17:33:55 10 form.
17:33:56 11 MS. VARGAS: Pause. I am going
17:34:03 12 to object to that question and instruct you not
17:34:05 13 to answer as it is getting into minimum
17:34:09 14 standards topics which are still pending
17:34:10 15 consideration by the FAA. Mr. Cammaroto can
17:34:13 16 testify as to the FAA's role in reviewing the
17:34:16 17 COG and what their role was with respect to
17:34:18 18 these specific provisions.
17:34:24 19 MR. WARDEN: Is that an
17:34:25 20 instruction?
17:34:25 21 MS. VARGAS: I did instruct him
17:34:26 22 not to answer, yes, I did.
17:34:27 23 Q. Does Mr. Cammaroto still have his
17:34:29 24 testimony from the Moussaoui trial in front of
17:34:31 25 him?

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17:38:12 2 "Question: Excuse me, that was up

17:38:13 3 to the airlines as to whether or not they

17:38:15 4 allowed that on the sterile concourse and on to

17:38:19 5 the plane?" And your answer was "That's

17:38:22 6 correct."

17:38:23 7 Did I read that right?

17:38:25 8 A. Yes, sir.

17:38:25 9 Q. What I would like to know is when

17:38:27 10 you gave that testimony were you telling the

17:38:30 11 lawyer who asked you the questions that it was

17:38:32 12 up to the airlines whether or not to allow sharp

17:38:36 13 blades on to the airplane or in the sterile

17:38:39 14 area?

17:38:39 15 A. Yes, this line of questioning was
17:38:41 16 specifically, as I was responding to it, related

17:38:46 17 to tools of the trade. So if you were an

17:38:50 18 electrician, a computer technician and you had

17:38:53 19 items that you would use to strip wires and to

17:38:56 20 splice wires and they have sharp edges would the

17:39:00 21 air carrier be allowed to allow them into the

17:39:02 22 sterile area, my answer is yes.

17:39:03 23 MS. VARGAS: Again, I don't want

17:39:04 24 to sound like a broken record, any time we are

17:39:06 25 talking about authenticating Mr. Cammaroto's

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17:39:09 2 Moussaoui testimony, that is official capacity
17:39:11 3 testimony he gave on behalf of the government,
17:39:13 4 but it was not and is not intended to be
17:39:16 5 30(b)(6) testimony. Just to keep the record
17:39:18 6 clear. I will just always make that caveat.
17:39:24 7 Q. Is it a fair statement, Mr.
17:39:26 8 Cammaroto, that your testimony that it was up to
17:39:29 9 the airlines as to whether or not to allow
17:39:31 10 something with a sharp edge on it into the
17:39:34 11 sterile area, that you gave at the Moussaoui
17:39:36 12 trial, that is consistent with the FAA's
17:39:39 13 position; isn't it?
17:39:41 14 MS. VARGAS: Objection.
17:39:43 15 MR. BARRY: Objection to the form.
17:39:44 16 MS. VARGAS: I am not going to
17:39:45 17 permit him to answer that question. I am
17:39:47 18 instructing you not to answer.
17:39:49 19 A. Okay, I have been so instructed,
17:39:49 20 sir.
17:39:51 21 MS. VARGAS: He can authenticate
17:39:52 22 his statements I will allow him to authenticate
17:39:57 23 as I allowed Mr. Podesta to authenticate.
17:40:00 24 Q. It is the FAA's position prior to
17:40:02 25 September 11, 2001, that it was up to the

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17:40:06 2 airlines to exercise good judgement and common
17:40:09 3 sense and to determine whether an item that
17:40:16 4 might have a sharp edge should be allowed into
17:40:18 5 the sterile area?
17:40:20 6 MR. CAMPBELL: Objection to the
17:40:21 7 form.
17:40:21 8 MR. PODESTA: Objection to the
17:40:21 9 form.
17:40:21 10 Q. Even if it was shorter than four
17:40:23 11 inches?
17:40:24 12 MS. VARGAS: You can answer.
17:40:25 13 A. Yes, sir.
17:40:34 14 Q. In making that determination the
17:40:36 15 FAA expected the airlines to exercise good
17:40:39 16 judgment, common sense and caution?
17:40:41 17 MR. PODESTA: Objection.
17:40:42 18 MR. CAMPBELL: Objection.
17:40:43 19 MS. VARGAS: Asked and answered.
17:40:44 20 MR. PODESTA: We had this.
17:40:45 21 A. Yes, sir.
17:41:01 22 Q. I would like to ask you a couple
17:41:02 23 questions about the context in which the FAA
17:41:05 24 expected the airlines to make such decisions.
17:41:14 25 For example, the FAA provided

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17:43:00 2 require specific countermeasures, the FAA would
17:43:05 3 place information in Information Circulars?
17:43:07 4 A. Yes, sir.
17:43:08 5 Q. And provide that information to the
17:43:11 6 airlines?
17:43:12 7 A. Yes, sir.
17:43:16 8 Q. Did the FAA expect the airlines to
17:43:18 9 make judgment about the screening process or in
17:43:21 10 the screening process, taking into account the
17:43:26 11 information in the Information Circulars?
17:43:28 12 MR. CAMPBELL: Objection to the
17:43:29 13 form.
17:43:29 14 MS. VARGAS: Objection to the
17:43:29 15 form. Are you referring to the exercise of good
17:43:31 16 judgment you were referring to before in the
17:43:33 17 Appendix?
17:43:34 18 MR. WARDEN: Yes.
17:43:35 19 MS. VARGAS: You can answer it to
17:43:36 20 the extent it relates to the Appendix
17:43:38 21 guidelines.
17:43:38 22 A. Yes, sir, that would provide a
17:43:40 23 context in which they could exercise good
17:43:43 24 judgment.
17:43:43 25 Q. The Information Circulars in fact

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17:45:03 2 A. Yes, sir, you did.

17:45:07 3 Q. "This is most often due to a

17:45:09 4 security Information Circulars or Security

17:45:12 5 Directive issued to the airline by the FAA or

17:45:14 6 intelligence developed by the airline's security

17:45:18 7 department."

17:45:19 8 Did I read that sentence right from

17:45:20 9 section 6-1 of the COG?

17:45:22 10 MS. VARGAS: Objection, the

17:45:23 11 document speaks for itself.

17:45:24 12 A. Yes, sir, you did read it

17:45:25 13 correctly.

17:45:27 14 Q. Did the FAA consider it to be

17:45:31 15 consistent with the ACSSP that the airlines

17:45:34 16 would implement a procedure to intensify their

17:45:39 17 security efforts as the result of information in

17:45:43 18 an Information Circulars?

17:45:46 19 MR. PODESTA: Objection to the

17:45:47 20 form.

17:45:47 21 MR. CAMPBELL: Objection to the

17:45:49 22 form.

17:45:49 23 MS. VARGAS: Objection to the

17:45:49 24 form.

17:45:49 25 A. It was not inconsistent again with

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17:45:51 2 the requirements of the program, sir.

17:45:53 3 Q. It is an example of the airlines
17:45:56 4 taking into account the context in which they
17:45:59 5 were carrying out the screening operations;
17:46:03 6 correct?

17:46:03 7 A. I think it can be taken in that
17:46:05 8 sense, yes, sir.

17:46:05 9 Q. In fact, section 6-1 provides that
17:46:10 10 the airlines could intensify their security
17:46:15 11 procedures as a result of their own intelligence
17:46:17 12 generation; correct?

17:46:18 13 MS. VARGAS: Objection, are you
17:46:19 14 asking him to interpret the COG? The COG speaks
17:46:23 15 for itself, it is not an FAA document.

17:46:25 16 MR. WARDEN: That is a predicate
17:46:26 17 for another question.

17:46:27 18 MR. PODESTA: I will object as
17:46:28 19 beyond the scope of the final determination.

17:46:30 20 MS. VARGAS: With the
17:46:31 21 understanding that is leading somewhere, I will
17:46:33 22 permit it.

17:46:36 23 Q. Did I read that correctly?

17:46:37 24 A. If you would repeat the question,
17:46:38 25 sir.

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17:46:38 2 Q. Sure. Am I reading it correctly
17:46:43 3 when I read the COG in section 6-1 to call for
17:46:48 4 airline Ground Security Coordinators to direct
17:46:51 5 the use of intensified security procedures as a
17:46:54 6 result of intelligence developed by the airline
17:46:58 7 security departments?

17:47:00 8 MR. GRAVES: Objection to the
17:47:01 9 form?

17:47:01 10 A. Yes, sir.

17:47:02 11 Q. Would it be not inconsistent with
17:47:05 12 the ACSSP for the airlines to intensify their
17:47:12 13 security procedures as a result of their own
17:47:13 14 intelligence generation?

17:47:14 15 A. It would not be -- it would not --
17:47:18 16 okay, I lost it. It would not be inconsistent
17:47:22 17 with the SSP.

17:47:23 18 Q. I would very much like to ask that
17:47:25 19 question a different way, Mr. Cammaroto. And
17:47:27 20 I'd like to know if it would be consistent with
17:47:30 21 the ACSSP for the airlines to take into account
17:47:35 22 the intelligence that their own security
17:47:37 23 departments developed in carrying out the
17:47:40 24 screening process?

17:47:41 25 MR. PODESTA: Objection to the

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17:47:42 2 form.
17:47:42 3 MS. VARGAS: Objection to the
17:47:43 4 form, foundation.
17:47:44 5 MR. CAMPBELL: Objection to the
17:47:44 6 form.
17:47:44 7 A. Sir, I am going to stick with the
17:47:46 8 not inconsistent.
17:47:48 9 Q. Okay. I tried.
17:48:20 10 I think Mr. Podesta asked you about
17:48:22 11 some of your testimony in the Moussaoui trial
17:48:26 12 where you indicated what the FAA could have done
17:48:31 13 if it had some specific intelligence in the way
17:48:35 14 of additional countermeasures. Do you remember
17:48:37 15 those questions?
17:48:38 16 A. I remember the general line of
17:48:40 17 questioning, yes, sir.
17:48:41 18 Q. Sorry, you remember what?
17:48:42 19 A. The general line of questioning, I
17:48:44 20 don't know --
17:48:45 21 Q. I don't want to repeat all of
17:48:47 22 those. But I want to make sure you have the
17:48:49 23 line of questions in context of my next question
17:48:50 24 okay.
17:48:51 25 A. Yes, sir. Thank you.

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18:02:55 2 A. It will just take a second. It
18:03:12 3 reads "Information indicates a terrorist group
18:03:14 4 or other hostile entity with known capability of
18:03:16 5 attacking civil aviation is likely to carry out
18:03:20 6 attacks against U.S. targets with civil
18:03:21 7 disturbances with direct impact on civil
18:03:22 8 aviation have begun or are imminent." So yes,
18:03:25 9 sir.

18:03:27 10 Q. So the answer to my question is,
18:03:28 11 yes, AVSEC Level III is there is a known
18:03:32 12 terrorist group with known capability that is
18:03:34 13 likely to attack civil aviation in the United
18:03:37 14 States?

18:03:37 15 MS. VARGAS: Objection, he read
18:03:38 16 the precise language of the AVSEC Alert Level
18:03:42 17 III. That is the language.

18:03:44 18 A. Yes, sir.

18:03:47 19 Q. When you answered Mr. Podesta's
18:03:49 20 question, AVSEC Level III was the environment,
18:03:54 21 you meant the environment was there was a known
18:03:57 22 terrorist group capable of attacking and likely
18:04:01 23 to do so. That was the environment pre 9/11,
18:04:05 24 2001; correct?

18:04:07 25 MR. PODESTA: Objection.

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18:04:07 2 MR. CAMPBELL: Objection to the
18:04:08 3 form.

18:04:08 4 A. Yes, sir.

18:04:09 5 Q. That was the context the airlines
18:04:11 6 had to take into account in exercising good
18:04:14 7 judgment in the whole screening process;
18:04:18 8 correct?

18:04:18 9 A. Yes, sir.

18:04:20 10 MR. WARDEN: Shall we stop for the
18:04:23 11 evening.

18:04:23 12 MS. VARGAS: That would be good.

18:04:28 13 MS. WINTER: I want to remind all
18:04:29 14 counsel they are to pass up all SSI documents
18:04:32 15 that were copies or marked today and none of
18:04:34 16 those SSI documents are to leave this room.

18:04:39 17

18:04:41 18

18:04:44 19 (Continued on following page.)

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In The Matter Of:

IN RE SEPTEMBER 11 LITIGATION

ROBERT J. CAMMAROTO

February 12, 2008

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09:23:07 1 ROBERT J. CAMMAROTO - CONFIDENTIAL SSI MATERIAL
09:23:09 2 administrator. There were times where the title
09:23:11 3 shifted back and forth. When I say assistant
09:23:16 4 administrator, I am talking ACS 1.

09:23:16 5 Q. At any rate, he is the top person
09:23:18 6 in the division?

09:23:18 7 A. Yes, top security guy.

09:23:20 8 Q. If you look at the part of the
09:23:21 9 document that I highlighted.

09:23:25 10 A. I have it, sir.

09:23:26 11 Q. Okay. Does it read that "Airlines
09:23:30 12 have the flexibility to apply judgment and
09:23:32 13 discretion in determining whether a passenger
09:23:34 14 might be adverse to the safety and security of
09:23:37 15 the flight. Ideally the nature of the articles
09:23:41 16 and the circumstances in which they are carried
09:23:43 17 are carefully considered before a decision is
09:23:45 18 made to allow or restrict?"

09:23:49 19 MS. VARGAS: Objection, I believe
09:23:50 20 you misread the sentence.

09:23:52 21 Q. Then it refers to a knife; doesn't
09:23:54 22 it?

09:23:54 23 A. My copy says "The air carrier
09:23:59 24 security personnel are given flexibility to
09:24:01 25 apply judgment and discretion in determining

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09:24:02 1 ROBERT J. CAMMAROTO - CONFIDENTIAL SSI MATERIAL
09:24:04 2 whether an article carried by a passenger might
09:24:07 3 be adverse to the safety and security of the
09:24:08 4 flight. Ideally, the nature of the articles and
09:24:09 5 the circumstances in which they are carried are
09:24:11 6 carefully considered before a decision is made
09:24:13 7 to allow or restrict transportation of an item,
09:24:18 8 such as a knife." Yes, sir.

09:24:18 9 Q. That was the statement sent out in
09:24:20 10 1996 for associate administrator Cathal Flynn by
09:24:24 11 the FAA?

09:24:25 12 A. Yes, sir.

09:24:54 13 Q. Now, Mr. Cammaroto, we put in front
09:24:56 14 of you a document marked Exhibit 777, do you
09:24:58 15 have that?

09:24:59 16 A. Not yet, sir.

09:25:14 17 Q. For the record number 777 has Bates
09:25:18 18 numbers TSA 11597.

09:25:19 19 A. I have been handed the document,
09:25:21 20 sir.

09:25:21 21 MS. VARGAS: Again, the record
09:25:23 22 reflect it extends through TSA 11608.

09:25:36 23 MR. GODFREY: Let the record
09:25:36 24 reflect it's very difficult the testimony off
09:25:36 25 the witness if we don't have copies of the

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09:26:53 2 the House of Representatives of the U.S.
09:26:55 3 Congress; correct?
09:26:56 4 A. Yes, sir.
09:26:57 5 Q. And the letter is responding to an
09:27:00 6 inquiry from the Congressman about the FAA's
09:27:03 7 regulations concerning carrying pocket knives on
09:27:09 8 a airplane; correct?
09:27:20 9 A. It says we are responding to the
09:27:21 10 Congressman on behalf of Mr. Tuttle regarding
09:27:25 11 his request for a copy of regulations on
09:27:27 12 carrying pocket knives on board a commercial
09:27:29 13 aircraft, yes, sir.
09:27:30 14 Q. If you look at the fourth paragraph
09:27:32 15 of the letter Mr. Canavan states or Mr. McDonald
09:27:38 16 states for Mr. Canavan, the associate
09:27:41 17 administrator of the Civil Aviation Security
09:27:44 18 division "It is important to note that while the
09:27:46 19 security programs issued by the FAA, established
09:27:49 20 the minimum standards that airlines and airports
09:27:51 21 must follow, the airlines and airports may
09:27:53 22 implement more stringent security requirements."
09:27:58 23 Did I read that correctly?
09:28:02 24 A. Yes, sir, you did.
09:28:03 25 Q. That was the statement of position

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09:28:05 1 ROBERT J. CAMMAROTO - CONFIDENTIAL SSI MATERIAL
09:28:10 2 of associate administrator for Civil Aviation
09:28:12 3 Security on carrying a pocket knife on board a
09:28:16 4 commercial aircraft six months before the
09:28:16 5 September 11th occurrence; correct?

09:28:16 6 MR. PODESTA: Objection to the
09:28:16 7 form, outside the scope.

09:28:18 8 A. That was certainly the
09:28:19 9 characterization provided to Congressman Hobson
09:28:22 10 at that time.

09:28:36 11 Q. Now I would like you to look at a
09:28:38 12 document I mentioned before your counsel
09:28:40 13 prepared for you yesterday, Exhibit 771.

09:28:41 14 A. I have it, sir.

09:28:53 15 Q. I take it, you can tell us in view
09:28:56 16 of what your counsel said yesterday they
09:28:58 17 prepared this for you yesterday, that is not,
09:29:00 18 this Exhibit 771 is not a document prepared and
09:29:05 19 maintained by the FAA in the ordinary course of
09:29:08 20 its business; correct?

09:29:08 21 A. That's correct.

09:29:09 22 Q. So we are not looking at a
09:29:11 23 statement of the FAA's position prepared in the
09:29:13 24 ordinary course of its business; are we?

09:29:15 25 A. We are not looking at FAA prepared

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09:37:49 2 for?"
09:37:49 3 Q. Second paragraph, last sentence in
09:37:53 4 the second paragraph which I will read "While
09:37:55 5 airlines are required to meet certain standards,
09:37:57 6 they possess the final decision to impose more
09:37:59 7 stringent restrictions for carry-on items."
09:38:02 8 Did I read that correctly?
09:38:03 9 MR. CAMPBELL: Objection to the
09:38:04 10 form.
09:38:04 11 MR. PODESTA: Objection.
09:38:04 12 MS. VARGAS: Objection to the
09:38:05 13 form.
09:38:05 14 MR. PODESTA: And outside scope.
09:38:06 15 MS. VARGAS: The document speaks
09:38:07 16 for itself. You can answer whether he read that
09:38:10 17 sentence correctly.
09:38:11 18 A. Yes, sir, you most certainly read
09:38:13 19 it correctly.
09:38:13 20 MR. CAMPBELL: Move to strike.
09:38:14 21 Q. You would agree that was a correct
09:38:16 22 statement of the FAA's position before September
09:38:20 23 11, 2001; wouldn't you?
09:38:21 24 MR. CAMPBELL: Objection.
09:38:21 25 MR. PODESTA: Objection.

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10:09:46 2 Random House is supplemented in the context of

10:09:49 3 the checkpoint by the experience and knowledge

10:09:51 4 base that's developed and available at that

10:09:56 5 point, yes, sir.

10:09:58 6 Q. By the airlines?

10:10:00 7 A. Yes, sir.

10:10:00 8 Q. That common sense as you've refined

10:10:14 9 the definition is something that should always

10:10:15 10 prevail when trying to make determinations under

10:10:19 11 Appendix I as to whether or not a weapon is

10:10:27 12 considered deadly?

10:10:29 13 MS. VARGAS: Objection to the

10:10:30 14 form.

10:10:30 15 A. Appendix I does read in "common

10:10:33 16 sense should always prevail," yes, sir.

10:10:35 17 Q. All right. Then you talked

10:10:36 18 yesterday about Checkpoint Operations Guide. In

10:10:41 19 the Checkpoint Operation Guide, I believe you

10:10:43 20 referred to it or was referred in documentation

10:10:47 21 as being sort of a quick reference to be kept at

10:10:50 22 each of the checkpoints; correct?

10:10:52 23 A. That's correct, sir.

10:10:53 24 Q. And it is your understanding that

10:10:56 25 that Checkpoint Operations Guide was actually

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11:39:17 2 A. Yes, sir.

11:39:19 3 Q. And specifically if you can turn to
11:39:20 4 page 1862.

11:39:29 5 A. I have it, sir, page 1862.

11:39:34 6 Q. If you turn to line 9, please.

11:39:37 7 A. Line 9, sir.

11:39:38 8 Q. This is a question by Mr. Novak, I
11:39:41 9 am going to read it, question and answer then
11:39:42 10 ask you a question. Okay.

11:39:45 11 The question begins "In addition to
11:39:46 12 the measures that you mandate in the
11:39:48 13 countermeasures that you mandate in the Security
11:39:53 14 Directive, could an airline also add their own
11:39:55 15 additional security if they felt that it was
11:39:58 16 appropriate?

11:39:59 17 Answer, line 13, "yes they could
11:40:03 18 absolutely. What we gave them was always the
11:40:06 19 minimum they had to comply with and they were
11:40:09 20 always to go beyond."

11:40:13 21 Was that your testimony in this
11:40:14 22 case?

11:40:17 23 MR. BARRY: Objection.

11:40:18 24 MS. VARGAS: In the Moussaoui
11:40:19 25 case?

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11:40:20 2 Q. In the Moussaoui case March 22,
11:40:23 3 2006?

11:40:24 4 A. Yes, sir, it was.

11:40:24 5 Q. Was it true and accurate then?

11:40:26 6 MR. CAMPBELL: Objection.

11:40:27 7 A. Yes, sir.

11:40:27 8 Q. Is it true and accurate today?

11:40:29 9 MR. CAMPBELL: Objection.

11:40:30 10 MS. VARGAS: Objection to the
11:40:31 11 form.

11:40:31 12 A. The FAA --

11:40:38 13 MS. VARGAS: Mr. Cammaroto, pause.

11:40:44 14 You can authenticate the statement in its
11:40:47 15 accuracy, you cannot interpret the statement or
11:40:49 16 go beyond authenticating the statement you made
11:40:51 17 and its truthfulness and accuracy. So please
11:40:54 18 keep that in mind when you give your answer.

11:40:56 19 A. And the statement was true and
11:40:58 20 accurate when I made, yes, sir.

11:41:02 21 MR. CAMPBELL: Move to strike.

11:41:03 22 MS. VARGAS: Again, I would just
11:41:04 23 like to make the same caveat I was making
11:41:06 24 yesterday, I hate to sound like a broken record,
11:41:08 25 but the Moussaoui testimony was testimony that

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11:41:10 2 Mr. Cammaroto provided in his official capacity
11:41:14 3 as a witness for the government but was not the
11:41:16 4 30(b)(6) testimony of the FAA.

11:41:19 5 MR. MIGLIORI: That's fine.

11:41:19 6 Q. I am only asking you, sir, the
11:41:22 7 statement I just read from page 1862 of your
11:41:27 8 testimony in the Moussaoui case, that answer
11:41:28 9 that you provided was true and accurate when you
11:41:32 10 gave it; correct?

11:41:33 11 MR. CAMPBELL: Objection.

11:41:34 12 MR. PODESTA: Objection to the
11:41:34 13 form.

11:41:34 14 MS. VARGAS: Asked and answered.

11:41:36 15 Q. Well there were so many objections,
11:41:37 16 I would like to get a clean answer.

11:41:40 17 A. Yes, sir.

11:41:40 18 Q. Was the testimony that you provided
11:41:43 19 on page 1862 of the Moussaoui transcript true
11:41:47 20 and accurate when you gave it?

11:41:51 21 MR. CONNORS: Objection.

11:41:53 22 A. Yes, sir.

11:41:53 23 MR. CONNORS: Move to strike.

11:41:55 24 Q. Can you turn to page 1798.

11:42:11 25 A. Page 1798, sir.

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14:54:48 2 A. The air carriers as private
14:54:50 3 entities, not government operations certainly
14:54:52 4 had rights to determine who could or couldn't
14:54:56 5 fly on their aircraft. We merely said if you
14:54:58 6 were going to permit someone into the sterile
14:55:00 7 area and on to an aircraft, this is what you
14:55:02 8 must do to screen them into that area.

14:55:06 9 MR. PEPE: Move to strike.

14:55:08 10 Q. Pre 9/11 did the, under FAA policy,
14:55:15 11 were airlines permitted to refuse to board
14:55:19 12 passengers where the causal factor, the but-for
14:55:23 13 cause of the decision to refuse boarding was the
14:55:26 14 race, religion or national or ethnic origin of
14:55:30 15 the passenger?

14:55:30 16 MR. MIGLIORI: Objection to the
14:55:31 17 form and legal conclusion.

14:55:32 18 MS. VARGAS: Objection to the
14:55:33 19 form.

14:55:34 20 A. My understanding of the regulations
14:55:39 21 in place at that time would not have allowed the
14:55:41 22 air carriers to do that. That being to preclude
14:55:45 23 someone from flight because of race, religion,
14:55:48 24 etc.

14:55:48 25 Q. I would like to direct your